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10/27/00

PTO U.S. 3,695,316

Docket No.  
LN.014C4

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

**Box Patent Application**  
**Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

## COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME

and invented by:

**Billy G. Anderson and Lloyd Wolfinbarger, Jr.**

JC825 U.S. PTO  
09/698493  
10/27/00

**If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:**

☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.: 09/368,263

**Which is a:**

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.:

**Enclosed are:**

## Application Elements

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 101 pages and including the following:
- a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☒ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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LN.014C4

Total Pages in this Submission

**Application Elements (Continued)**

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☒ Formal      b. ☐ Informal      Number of Sheets 22
4. ☒ Oath or Declaration  
a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted  
b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☐ Paper Copy  
b. ☐ Computer Readable Copy  
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☒ Assignment Papers *(cover sheet & documents)*
9. ☒ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EK593738789US

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
LN.014C4

Total Pages in this Submission

## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: one
17. ☐ Additional Enclosures (please identify below):

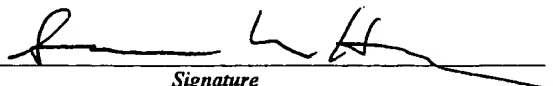
## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	51	- 20 =	31	x \$9.00	\$279.00
Indep. Claims	7	- 3 =	4	x \$39.00	\$156.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$130.00
BASIC FEE					\$345.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$910.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
  - ☐ Credit any overpayment.
  - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: October 27, 2000

  
Signature

Susanne M. Hopkins, Esq.  
Reg. No: 33,247  
LIFENET  
7101 Bloomsbury Lane  
Spotsylvania, VA 22553  
Phone: (540) 834-0000  
Fax: (540) 710-9377

CC:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.  
LN.014C4

Serial No.  
To be assigned

Filing Date  
October 27, 2000

Patent No.  
N/A

Issue Date  
N/A

Applicant/ **Billy G. Anderson and Lloyd Wolfinbarger, Jr.**  
Patentee:

Invention: **COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: LIFENET

ADDRESS OF ORGANIZATION: 5809 Ward Court  
Virginia Beach, VA 23455
**TYPE OF NONPROFIT ORGANIZATION:**

- ☐ University or other Institute of Higher Education
- ☐ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America  
Name of State: Citation of Statute:
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☒ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America  
Name of State: Virginia Citation of Statute:

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☒ the specification to be filed herewith.
- ☐ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Susanne M. Hopkins, Esq.

TITLE IN ORGANIZATION:

General Counsel

ADDRESS OF PERSON SIGNING:

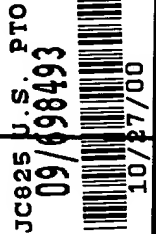
LIFENET5809 Ward CourtVirginia Beach, VA 23455

SIGNATURE:

DATE: October 27, 2000

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Billy G. Anderson and Lloyd Wolfinbarger, Jr.**

Docket No.

**LN.014C4**Serial No.  
To be assignedFiling Date  
**October 27, 2000**Examiner  
To be assignedGroup Art Unit  
To be assignedInvention: **COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME**

I hereby certify that this **Verified Statement Claiming Small Entity Status, two (2) pages**  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on **October 27, 2000**  
(Date)

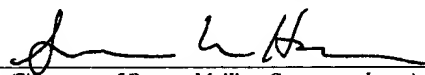
**Susanne M. Hopkins, Esq.**

(Typed or Printed Name of Person Mailing Correspondence)

  
(Signature of Person Mailing Correspondence)**'EK593738744US**

("Express Mail" Mailing Label Number)

**Note: Each paper must have its own certificate of mailing.**

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. LN.014C4	
Applicant(s): Billy G. Anderson and Lloyd Wolfinbarger, Jr.				
Serial No. To be assigned	Filing Date October 27, 2000	Examiner To be assigned	Group Art Unit To be assigned	
Invention: COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME				
<p>I hereby certify that this <u>Preliminary Amendment, fourteen pages (14) pages</u> (Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231</p> <p>on <u>October 27, 2000</u> (Date)</p> <p><u>Susanne M. Hopkins, Esq.</u> (Typed or Printed Name of Person Mailing Correspondence)</p> <p><u></u> (Signature of Person Mailing Correspondence)</p> <p><u>EK593738744US</u> (Express Mail Mailing Label Number)</p>				
Note: Each paper must have its own certificate of mailing.				

10/27/00  
09/68493  
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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Billy G. Anderson and Lloyd Wolfinbarger, Jr.**

Docket No.

LN.014C4

Serial No.  
To be assignedFiling Date  
October 27, 2000Examiner  
To be assignedGroup Art Unit  
To be assignedInvention: **COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME**JC825 U.S. PRO  
09/698493I hereby certify that this New Utility Patent Application Transmittal, three pages (3)  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231  
on October 27, 2000  
(Date)

Susanne M. Hopkins, Esq.

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

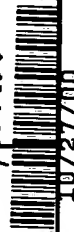
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**LN.014C4**Serial No.  
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To be assignedGroup Art Unit  
To be assignedInvention: **COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME**JC825 U.S. PTO  
09/598493

10/27/00

I hereby certify that this **Formal Drawings, twenty-two sheets illustrating figs. 1-44***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on **October 27, 2000**  
*(Date)*

**Susanne M. Hopkins, Esq.***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EK593738744US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Billy G. Anderson and Lloyd Wolfinbarger, Jr.**

Docket No.

**LN.014C4**Serial No.  
To be assignedFiling Date  
**October 27, 2000**Examiner  
To be assignedGroup Art Unit  
To be assignedInvention: **COMPOSITE BONE GRAFT, METHODS OF MAKING AND USING SAME**I hereby certify that this **New Utility Patent Application, one-hundred-one pages (101)**  
(Identify type of correspondence)is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231on **October 27, 2000**  
(Date)**Susanne M. Hopkins, Esq.**

(Typed or Printed Name of Person Mailing Correspondence)

  
(Signature of Person Mailing Correspondence)**'EK593738744US**

("Express Mail" Mailing Label Number)

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